

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ELIZABETH McNAIR, Administrator Ad
Prosequendum of the ESTATE OF DARRELL
SMITH, and ELIZABETH McNAIR,
Individually,

Plaintiffs,

v.

STATE OF NEW JERSEY, et al.,

Defendants.

CASE NO. 2:21-cv-01291-WJM-CLW

CIVIL ACTION

STIPULATION AND ORDER
OF DISMISSAL WITHOUT
PREJUDICE AS TO
MARZETTIE SHAMBERGER

Elizabeth McNair Administrator Ad Prosequendum of the Estate of Darrell Smith, and Elizabeth McNair, Individually ("Plaintiffs"), and Defendant Marzettie Shamberger ("Defendant Shamberger"), hereby stipulate and agree as follows:

1. All Counts of the Second Amended Complaint are dismissed without prejudice against Defendant Shamberger only, with each party to bear their own costs, including any attorneys' fees and other expenses of this litigation with respect thereto.

2. Accordingly, there are no remaining claims against Defendant Shamberger, who is hereby dismissed entirely from this action without prejudice.

3. Defendant Shamberger further agrees that if Plaintiffs choose to re-file the above-referenced action against him, Defendant Shamberger will not assert the Statute of Limitations as a defense to such re-filed action.

4. Plaintiffs have not received, and will not receive, any monetary consideration in connection with this voluntary dismissal.

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So Ordered on 12/9/2024:



William J. Martini, U.S.D.J.